

Appl. No. 09/870,029  
Amdt. dated December 16, 2004  
Reply to Office action of September 24, 2004

### REMARKS/ARGUMENTS

Applicants have received the Office action dated September 24, 2004, in which the Examiner: 1) rejected claims 1 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,236,999 ("Jacobs"); 2) rejected claims 1, 2, 5, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,560,717 ("Scott") in view of Jacobs; 3) rejected claims 2, 5, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Jacobs in view of Scott; 4) rejected claims 3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Jacobs in view of U.S. Pat. No. 6,247,056 ("Chou"); 5) rejected claim 4 under U.S.C. § 103(a) as being unpatentable over Jacobs and Chou in view of U.S. Pat. No. 6,697,849 ("Carlson"); 6) rejected claims 3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Scott and Jacobs in view of Chou; and 7) rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Scott, Jacobs and Chou in view of Carlson.

With this Response, Applicants have amended claims 1 and 6. Also, applicants add claims 10-18. Based on the amendments and arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

#### I. § 102 AND § 103 REJECTIONS

Amended claim 1, in part, requires "a distributor module that is configured to capture connection requests from a client on a port, to select one of the plurality of Application Servers to communicate with the requesting client during the connection and to assign the connection request to the selected one of the plurality of Application Servers, such that, after the assignment, the selected Application Server communicates directly with the client, wherein the distributor module is associated only with Application servers of a particular class."

The Examiner appears to equate load balancing software taught in Jacobs with Applicants' claimed "distributor module" (see Office action, page 3, second paragraph). While Jacobs does teach that the load balancing software selects a service provider from a plurality of service providers (see Figure 5a, col. 5, lines 29-33 and col. 11, line 6-col. 12, line 22), Jacobs does not teach or suggest that

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the load balancing software is "associated only with Application servers of a particular class" as required in claim 1. Rather, Jacobs teaches that each device includes "a Smart stub which is able to find out about all the service providers and switch between them based on the load balancing method" (see col. 11, lines 22-24). Thus, the Smart stub and load balancing software taught in Jacob are associated with all service providers and are not "associated only with Application servers of a particular class" as required in claim 1.

The Examiner also appears to equate a load manager and load balancer taught in Scott with Applicants' claimed "distributor module." However, Scott simply teaches that "each application server 24 contains a load manager module" (see col. 4, lines 10-12). Scott does not teach or even suggest a "distributor module [that] is associated only with Application servers of a particular class" as required in claim 1. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests this limitation. For at least this reason, Applicants submit that claim 1 and all claims that depend from claim 1 are allowable.

Amended claim 6, in part, requires "assigning, by the distributor module, the connection request to the selected Application Server such that, after the assignment, the selected Application Server communicates with the client directly, wherein the distributor module is configured for use only with Application servers of a particular class." As described previously, Jacobs teaches that each computer includes "a Smart stub which is able to find out about all the service providers and switch between them based on the load balancing method" (see col. 11, lines 22-24). Also, Scott teaches load managing and load balancing. However, neither Jacobs nor Scott teaches or suggests a "distributor module [that] is configured for use only with Application servers of a particular class" as required in claim 6. None of the references cited by the Examiner, nor combinations of the references, teaches or suggests this limitation. For at least this reason, Applicants submit that claim 6 and all claims that depend from claim 6 are allowable.

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## II. NEW CLAIMS

Claim 10, in part, requires "a plurality of distributor modules coupled between the application servers and a plurality of clients, wherein each distributor module is configured to handle client connection requests to a distinct class of application servers." As described previously, Jacobs and Scott teach load-balancing. However, neither Jacobs nor Scott teaches or suggests "a plurality of distributor modules coupled between the application servers and a plurality of clients, wherein each distributor module is configured to handle client connection requests to a distinct class of application servers" as required in claim 10. None of the references cited by the Examiner, nor combinations of the references, teaches this limitation. For at least this reason, Applicants submit that claim 10 and all claims that depend from claim 10 are allowable.

Claim 16, in part, requires "assigning clients to a distributor module based on a class of application servers supported by the distribution module." As previously described, Jacobs and Scott teach load-balancing between servers. However, neither Jacobs nor Scott teaches or suggests "assigning clients to a distributor module based on a class of application servers supported by the distributor module." None of the references cited by the Examiner, nor combinations of the references, teaches this limitation. For at least this reason, Applicants submit that claim 16 and all claims that depend from claim 16 are allowable.

## III. CONCLUSIONS

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

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Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Alan D. Christenson  
PTO Reg. No. 54,036  
CONLEY ROSE, P.C.  
(713) 238-8000 (Phone)  
(713) 238-8008 (Fax)  
AGENT FOR APPLICANTS

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
Legal Dept., M/S 35  
P.O. Box 272400  
Fort Collins, CO 80527-2400